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EXAMINER

MANSFIELD, THOMAS L

ART UNIT

PAPER NUMBER

3624

MAIL DATE

DELIVERY MODE

10/10/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/696,345 | <b>Applicant(s)</b><br>CHEN ET AL. |  |
|                              | <b>Examiner</b><br>THOMAS MANSFIELD  | <b>Art Unit</b><br>3624            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. This final Office action is in reply to the response to Office Action filed on 2 July 2008.
2. Claims 1 and 12-19 have been amended.
3. Claims 1-20 are currently pending and have been examined.

**Response to Amendment**

4. A rejection under 35 U.S.C. § 112, second paragraph for Claims 12-20 as being indefinite in the previous office action is withdrawn in response to Applicant's amendment to Claims 12-19. The Examiner also notes that Claim 20 was mistakenly rejected as being indefinite under 35 U.S.C. §112, second paragraph and that rejection is withdrawn since Claim 20 does not depend from Claim 12.

**Response to Arguments**

5. Applicant's arguments filed 2 July 2008 have been fully considered but they are not persuasive.
6. Applicant submits that Perry et al. (Perry) (U.S. Pub. No. 2002/0082882) does not teach or suggest in amended Claims 1 and 12: (1) *analyzing the collected data to determine which of the information technology capabilities of each entity are to comprise the information technology capabilities of the entity formed according to the proposed venture transaction* [see Remarks page 8, paragraph 4], and (2) *recommending whether to proceed with the proposed venture transaction based upon the information technology capabilities of the entity formed according to the proposed venture transaction* [see Remarks page 9, first paragraph].

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7. With regard to argument (1), the Examiner respectfully disagrees. Perry teaches *analyzing* (enable the user to evaluate the results) *the collected data* (query the user for component of the deal **92**, characteristics of the deal **93**, risks of the deal **94**, revenue drivers for the deal **95**, the proposed investment basis **96** for the deal, and details of the business environment **97**) (see at least paragraph 0048) *to determine which of the information technology capabilities* (pertinent to the potential of the proposed customer for particular types of economic activity in a particular business area) (see at least paragraph 0045) *of each entity are to comprise the information technology capabilities of the entity formed* (the factors to be evaluated will depend on the type of proposal contemplated) *according to the proposed venture transaction* (considers the risk of the proposal or deal) (see at least paragraphs 0006 and 0044-0054).
8. With regard to argument (2), the Examiner respectfully disagrees. Perry teaches *recommending whether to proceed with the proposed venture transaction based upon the information technology capabilities of the entity formed according to the proposed venture transaction* (calculates an advantage to the proposer of going forward with the proposal, uses numbers to return an evaluation, such as a 1-5 scale, wherein “1” would be an unfavorable proposal and “5” would be a highly sought-after deal) (see at least paragraphs 0006 and 0060-0065).

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:  
  
A person shall be entitled to a patent unless –  
  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
10. Claims 1 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Perry et al (Perry) (U.S. Pub. No. 2002/0082882).

With regard to Claim 1, Perry teaches *in a computerized system, a method to analyze (evaluating, detailed analysis) a proposed venture (proposal, venture) transaction between at least two entities (acquisitions of other companies, mergers with other companies) (see at least the Abstract and paragraph 0059) to predict (to project the most accurate forecast of the proposal) information technology (information technology services) (see at least paragraph 0025) capabilities of an entity formed according to the proposed venture transaction, the method comprising (detailed analysis of the assets of the firm or portion thereof to be merged or acquired) (see at least paragraph 0059):*

- *collecting data (deal components) regarding the information technology capabilities of the entities (see at least paragraphs 0046-0047).*
- *accessing a computerized system (client database) to review one or more of a number of electronically accessible documents maintained on the computerized system (information in a computerized system) (see at least paragraphs 0046-0048).*
- *analyzing (enable the user to evaluate the results) the collected data (query the user for component of the deal **92**, characteristics of the deal **93**, risks of the deal **94**, revenue drivers for the deal **95**, the proposed investment basis **96** for the deal, and details of the business environment **97**) (see at least paragraph 0048) to determine which of the information technology capabilities (pertinent to the potential of the proposed customer for particular types of economic activity in a particular business area) (see at least paragraph 0045) of each entity are to comprise the information technology capabilities of the entity formed (the factors to be evaluated will depend on the type of proposal contemplated) according to the proposed venture transaction (considers the risk of the proposal or deal) (see at least paragraphs 0006 and 0044-0054).*

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- *recommending whether to proceed with the proposed venture transaction based upon the information technology capabilities of the entity formed according to the proposed venture transaction* (calculates an advantage to the proposer of going forward with the proposal, uses numbers to return an evaluation, such as a 1-5 scale, wherein “1” would be an unfavorable proposal and “5” would be a highly sought-after deal) (see at least paragraphs 0006 and 0060-0065).

With regard to Claim 12, Perry teaches *a computer system* (computer system) *to analyze* (detailed analysis) *a proposed venture* (proposal, venture) *transaction between at least two entities* (acquisitions of other companies, mergers with other companies) (see at least paragraphs 0044-0046 and 0059) *to predict* (to project the most accurate forecast of the proposal) *information technology* (information technology services) (see at least paragraph 0025) *capabilities of an entity formed according to the proposed venture transaction, the computer system comprising* (detailed analysis of the assets of the firm or portion thereof to be merged or acquired) (see at least paragraph 0059):

- *one or more user computers to facilitate collecting data* (deal components) *regarding the information technology capabilities of the entities* (see at least paragraphs 0046-0047).
- *accessing a computerized system* (client database) *to review one or more of a number of electronically accessible documents maintained on the computerized system* (information in a computerized system) (see at least paragraphs 0046-0048).

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- *one or more electronically accessible documents (questionnaire pages 61) wherein the one or more electronically accessible documents are retrievable and reviewable using the one or more user computers, and at least one of the electronically accessible (deal shaper computer program 60) (see at least paragraph 0045) documents provides instructions to facilitate analyzing (enable the user to evaluate the results) the collected data (query the user for component of the deal 92, characteristics of the deal 93, risks of the deal 94, revenue drivers for the deal 95, the proposed investment basis 96 for the deal, and details of the business environment 97) (see at least paragraph 0048) to determine which of the information technology capabilities (pertinent to the potential of the proposed customer for particular types of economic activity in a particular business area) (see at least paragraph 0045) of each entity are to comprise the information technology capabilities of the entity formed (the factors to be evaluated will depend on the type of proposal contemplated) according to the proposed venture transaction (considers the risk of the proposal or deal) (see at least paragraphs 0006 and 0044-0054).*
- *wherein at least one of the electronically accessible documents provides instructions to facilitate recommending whether to proceed with the proposed venture transaction based upon the information technology capabilities of the entity formed according to the proposed venture transaction (calculates an advantage to the proposer of going forward with the proposal, uses numbers to return an evaluation, such as a 1-5 scale, wherein "1" would be an unfavorable proposal and "5" would be a highly sought-after deal) (see at least paragraphs 0006 and 0060-0065).*

**Claim Rejections - 35 USC § 103**

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
12. Claims 2-11 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry as applied to claims 1 and 12 above, and further in view of Johnson et al (Johnson) ("eMerge™ by Arthur Andersen...Web-based Software Supports Hospitality M&A Best Practices", Ideas & Trends, Hotel Online, February 1999).

With regard to Claims 2 and 13, Perry teaches the method and computer system of Claims 1 and 12 above. Perry does not specifically teach *recommending an implementation plan for use in transferring the information technology capabilities of each entity which are to comprise the information technology capabilities of the entity formed according to the proposed venture transaction, wherein the implementation plan is recommended in accordance with analysis instructions provided in an implementation plan document electronically maintained in the computerized system and only after recommending to proceed with the proposed venture transaction*. Johnson teaches (a technology tool [that] facilitates knowledge sharing and collaboration and enables real-time review and coordination of transaction documentation) (see the fourth paragraph of the Article) *recommending an implementation (integration) plan for use in transferring the information technology capabilities of each entity which are to comprise the information technology capabilities of the entity formed according to the proposed venture transaction* (original merger and acquisition strategy) (see the paragraphs under Integration), *wherein the implementation plan is recommended in accordance with analysis instructions*

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*provided in an implementation plan document electronically maintained in the computerized system and only after recommending to proceed* (after an agreement in principle is reached, a more formal, comprehensive due diligence process should commence) (see second paragraph under Execution) *with the proposed venture transaction* in analogous art of a merger and acquisition best practice methodology for the purposes of, “the failures that manifest themselves during the integration phase often can be identified and addressed with foresight during the planning and execution process” (see the first paragraph under Integration).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the integration process as taught by Johnson with the method for evaluating a business proposal of Perry. One of ordinary skill in the art would have been motivated to do so for the benefit of increased success and on-time integration (Johnson, see Integration).

With regard to Claims 3 and 14, Perry teaches *recommending execution of an venture transaction agreement prior to recommending the implementation plan, wherein the venture transaction agreement* (an alliance results in a “preferred implementor” agreement which can be leveraged to sell future services deals) (see at least paragraph 0027) *is relied upon by the entities to conduct the proposed venture transaction and determined in accordance with analysis instructions provided in a negotiate binding agreements* (Contractual agreements may provide for limits) (see at least paragraphs 0033-0034) *document electronically maintained in the computerized system.*

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With regard to Claims 4 and 15, Perry teaches *recommending adequate transition capabilities and security* (some form of insurance may be provided) *are in-place prior to recommending execution of the venture transaction agreement* (to avoid risks and actual losses is to have a thorough understanding of the proposal, evaluation of the risks brings us back to the task of gathering information on the opportunity at hand) (see at least paragraphs 0029-0034), *wherein the transition capabilities and security are recommended to be in-place in accordance with analysis instructions provided in an establish transition capabilities and security document electronically maintained in the computerized system.*

With regard to Claims 5 and 16, Perry teaches *recommending transition costs* (cost drivers) *and risks* (risks) *are containable* (how the fixed costs will be covered and who will cover them) *prior to recommending adequate transition capabilities and security are in-place, wherein the transition costs and risks are recommended to be containable in accordance with analysis instructions provided in a complete preparation document electronically maintained in the computerized system* (see at least paragraphs 0033-0034).

With regard to Claims 6 and 17, Perry does not specifically teach *recommending an analysis team as being formed and funded prior to recommending transition cost and risks are containable, wherein the analysis team is recommended to be formed and funded in accordance with analysis instructions provided in a pre-preparation document electronically maintained in the computerized system.* Johnson teaches *recommending an analysis team as being formed and funded prior to recommending transition cost and risks are containable, wherein the analysis team* (dedicated cross-functional team) *is recommended to be formed and funded in accordance with analysis instructions* (devote undivided attention to integrating an acquisition, coordinated with transaction objectives) *provided in a pre-preparation document electronically maintained in the computerized system* in analogous art of a merger and acquisition best practice methodology for the purposes of, "success in integration" (see the second paragraph under Integration).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the integration process as taught by Johnson with the method for evaluating a business proposal of Perry. One of ordinary skill in the art would have been motivated to do so for the benefit of increased success and on-time integration (Johnson, see Integration).

With regard to Claims 7 and 18, Perry teaches *recommending to transfer knowledge* (internal knowledge exchange or database 53) *to the computerized system, wherein the transferred knowledge comprises additional documentation having analysis instructions for use in adding to the analysis instructions maintained by the computerized system* (specific to a given potential customer or to a particular type of deal) (see at least paragraph 0042-0044).

With regard to Claims 8 and 19, Perry does not specifically teach *wherein the analysis instructions provided by the pre-preparation document relate to instructions to facilitate analyzing pre-agreement actions, a deal and corporate vision, a venture team transition plan, and a governance structure*. Johnson teaches *wherein the analysis instructions provided by the pre-preparation document relate to instructions to facilitate analyzing pre-agreement actions* (original merger and acquisition strategy), *a deal and corporate vision* (new mission and business plan to support that mission), *a venture team transition plan* (cross-functional integration team), *and a governance structure* (Property Management, POS, ERP, HR) in analogous art of a merger and acquisition best practice methodology for the purposes of, “how the organization will integrate brands, build market presence and refine service and product offerings” (see the fourth paragraph under Integration).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the integration process as taught by Johnson with the method for evaluating a business proposal of Perry. One of ordinary skill in the art would have been motivated to do so for the benefit of integrating the entities by implementing ‘best practices’” (Johnson, see Integration).

With regard to Claim 9, Perry does not specifically teach *wherein the analysis instructions provided by the complete preparation document relate to instructions to facilitate analyzing an information technology vision, a transition strategy, and a high level cost roadmap*. Johnson teaches wherein the analysis instructions provided by the complete preparation document relate to instructions to facilitate analyzing an information technology vision (new mission and business plan to support that mission) (see paragraphs under Integration), a transition strategy (transition team), and a high level cost roadmap (Financial metrics) (see paragraphs under Evaluation) in analogous art of a merger and acquisition best practice methodology for the purposes of, "Evaluation involves identifying and prioritizing the vital measures required to determine merger and acquisition success. It should consist of both hard and soft measures and tie back to the company's original strategic objectives" (see paragraphs under Evaluation).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the integration process as taught by Johnson with the method for evaluating a business proposal of Perry. One of ordinary skill in the art would have been motivated to do so for the benefit of better success by identifying and prioritizing the vital measures required to determine the merger and acquisition" (Johnson, see Evaluation).

With regard to Claim 10, Perry teaches *wherein the analysis instructions provided by the negotiate binding agreements document relate to instructions to facilitate analyzing an information technology capabilities agreement* (Contractual agreements may provide for limits) (see at least paragraphs 0033-0034).

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With regard to Claim 11, Perry does not specifically teach *wherein the analysis instructions provided the implementation document relate to instructions to facilitate analyzing day-one launch requirements and work plan, day-one solutions, and closure of a venture team project*. Johnson teaches *wherein the analysis instructions provided the implementation document relate to instructions to facilitate analyzing day-one launch requirements and work plan, day-one solutions, and closure of a venture team project* in analogous art of a merger and acquisition best practice methodology for the purposes of, "A formal master integration plan should be established with dependencies and timeframes attached" (see paragraphs under Integration).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the integration process as taught by Johnson with the method for evaluating a business proposal of Perry. One of ordinary skill in the art would have been motivated to do so for the benefit of improving the degree of integration of a company's merger and acquisition strategy (Johnson, see Integration).

With regard to Claim 20, With Perry teaches *in a computerized system, a method and computer system* (see at least the Abstract) *to analyze* (detailed analysis) *a proposed venture* (proposal, venture) *transaction between at least two entities* (acquisitions of other companies, mergers with other companies) (see at least paragraph 0059) *to predict* (to project the most accurate forecast of the proposal) *information technology* (information technology services) (see at least paragraph 0025) *capabilities of an entity formed according to the proposed venture transaction, the method comprising* (detailed analysis of the assets of the firm or portion thereof to be merged or acquired) (see at least paragraph 0059) :

- *collecting data* (deal components) *regarding the information technology capabilities of the entities* (see at least paragraphs 0046-0047).

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- *accessing a computerized system (client database) to review one or more of a number of electronically accessible documents maintained on the computerized system (information in a computerized system) (see at least paragraphs 0046-0048).*
- *analyzing the collected data to determine which of the information technology capabilities of each entity are to comprise the information technology capabilities of the entity formed according to the proposed venture transaction (once the user has entered the necessary information, and a computer has completed its evaluation, the computer will output the data of a completed evaluation 99) wherein one of the electronically accessible documents provides instructions to facilitate analyzing the collected data (deal shaper questions, questions in the form of a template) (see at least paragraphs 0048-0054).*
- *recommending whether to proceed with the proposed venture transaction based upon the information technology capabilities of the entity formed according the proposed venture transaction (calculates an advantage to the proposer of going forward with the proposal) (see at least paragraph 0006).*

Perry does not specifically teach *recommending an implementation plan for use in transferring the information technology capabilities of each entity which are to comprise the information technology capabilities of the entity formed according to the proposed venture transaction, wherein the implementation plan is recommended in accordance with analysis instructions provided in an implementation plan document electronically maintained in the computerized system and only after recommending to proceed with the proposed venture transaction.* Johnson teaches (a technology tool [that] facilitates knowledge sharing and collaboration and enables real-time review and coordination of transaction documentation) (see the fourth paragraph of the Article) *recommending an implementation (integration) plan for use in transferring the information technology capabilities of each entity which are to comprise the information technology capabilities of the entity formed according to the proposed venture*

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*transaction* (original merger and acquisition strategy) (see the paragraphs under Integration), *wherein the implementation plan is recommended in accordance with analysis instructions provided in an implementation plan document electronically maintained in the computerized system and only after recommending to proceed* (after an agreement in principle is reached, a more formal, comprehensive due diligence process should commence) (see second paragraph under Execution) *with the proposed venture transaction* in analogous art of a merger and acquisition best practice methodology for the purposes of, "the failures that manifest themselves during the integration phase often can be identified and addressed with foresight during the planning and execution process" (see the first paragraph under Integration).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the integration process as taught by Johnson with the method for evaluating a business proposal of Perry. One of ordinary skill in the art would have been motivated to do so for the benefit of increased success and on-time integration (Johnson, see Integration).

Perry teaches *recommending execution of an venture transaction agreement prior to recommending the implementation plan, wherein the venture transaction agreement* (an alliance results in a "preferred implementor" agreement which can be leveraged to sell future services deals) (see at least paragraph 0027) *is relied upon by the entities to conduct the proposed venture transaction and determined in accordance with analysis instructions provided in a negotiate binding agreements* (Contractual agreements may provide for limits) (see at least paragraphs 0033-0034) *document electronically maintained in the computerized system.*

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Perry teaches *recommending adequate transition capabilities and security* (some form of insurance may be provided) *are in-place prior to recommending execution of the venture transaction agreement* (to avoid risks and actual losses is to have a thorough understanding of the proposal, evaluation of the risks brings us back to the task of gathering information on the opportunity at hand) (see at least paragraphs 0029-0034), *wherein the transition capabilities and security are recommended to be in-place in accordance with analysis instructions provided in an establish transition capabilities and security document electronically maintained in the computerized system.*

Perry teaches *recommending transition costs* (cost drivers) *and risks* (risks) *are containable* (how the fixed costs will be covered and who will cover them) *prior to recommending adequate transition capabilities and security are in-place, wherein the transition costs and risks are recommended to be containable in accordance with analysis instructions provided in a complete preparation document electronically maintained in the computerized system* (see at least paragraphs 0033-0034).

Perry does not specifically teach *recommending an analysis team as being formed and funded prior to recommending transition cost and risks are containable, wherein the analysis team is recommended to be formed and funded in accordance with analysis instructions provided in a pre-preparation document electronically maintained in the computerized system.* Johnson teaches *recommending an analysis team as being formed and funded prior to recommending transition cost and risks are containable, wherein the analysis team* (dedicated cross-functional team) *is recommended to be formed and funded in accordance with analysis instructions* (devote undivided attention to integrating an acquisition, coordinated with transaction objectives) *provided in a pre-preparation document electronically maintained in the computerized system* in analogous art of a merger and acquisition best practice methodology for the purposes of, "success in integration" (see the second paragraph under Integration).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the integration process as taught by Johnson with the method for evaluating a business proposal of Perry. One of ordinary skill in the art would have been motivated to do so for the benefit of increased success and on-time integration (Johnson, see Integration).

Perry teaches *recommending to transfer knowledge* (internal knowledge exchange or database 53) *to the computerized system, wherein the transferred knowledge comprises additional documentation having analysis instructions for use in adding to the analysis instructions maintained by the computerized system* (specific to a given potential customer or to a particular type of deal) (see at least paragraph 0042-0044).

Perry does not specifically teach *wherein the analysis instructions provided by the pre-preparation document relate to instructions to facilitate analyzing pre-agreement actions, a deal and corporate vision, a venture team transition plan, and a governance structure*. Johnson teaches *wherein the analysis instructions provided by the pre-preparation document relate to instructions to facilitate analyzing pre-agreement actions* (original merger and acquisition strategy), *a deal and corporate vision* (new mission and business plan to support that mission), *a venture team transition plan* (cross-functional integration team), *and a governance structure* (Property Management, POS, ERP, HR) in analogous art of a merger and acquisition best practice methodology for the purposes of, "how the organization will integrate brands, build market presence and refine service and product offerings" (see the fourth paragraph under Integration).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the integration process as taught by Johnson with the method for evaluating a business proposal of Perry. One of ordinary skill in the art would have been motivated to do so for the benefit of integrating the entities by implementing 'best practices'" (Johnson, see Integration).

Perry does not specifically teach *wherein the analysis instructions provided by the complete preparation document relate to instructions to facilitate analyzing an information technology vision, a transition strategy, and a high level cost roadmap*. Johnson teaches wherein the analysis instructions provided by the complete preparation document relate to instructions to facilitate analyzing an information technology vision (new mission and business plan to support that mission) (see paragraphs under Integration), a transition strategy (transition team), and a high level cost roadmap (Financial metrics) (see paragraphs under Evaluation) in analogous art of a merger and acquisition best practice methodology for the purposes of, "Evaluation involves identifying and prioritizing the vital measures required to determine merger and acquisition success. It should consist of both hard and soft measures and tie back to the company's original strategic objectives" (see paragraphs under Evaluation).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the integration process as taught by Johnson with the method for evaluating a business proposal of Perry. One of ordinary skill in the art would have been motivated to do so for the benefit of better success by identifying and prioritizing the vital measures required to determine the merger and acquisition" (Johnson, see Evaluation).

Perry teaches *wherein the analysis instructions provided by the negotiate binding agreements document relate to instructions to facilitate analyzing an information technology capabilities agreement* (Contractual agreements may provide for limits) (see at least paragraphs 0033-0034).

Perry does not specifically teach *wherein the analysis instructions provided the implementation document relate to instructions to facilitate analyzing day-one launch requirements and work plan, day-one solutions, and closure of a venture team project*. Johnson teaches *wherein the analysis instructions provided the implementation document relate to instructions to facilitate analyzing day-one launch requirements and work plan, day-one solutions, and closure of a venture team project* in analogous art of a merger and acquisition best practice

methodology for the purposes of, "A formal master integration plan should be established with dependencies and timeframes attached" (see paragraphs under Integration).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the integration process as taught by Johnson with the method for evaluating a business proposal of Perry. One of ordinary skill in the art would have been motivated to do so for the benefit of improving the degree of integration of a company's merger and acquisition strategy (Johnson, see Integration).

- 13. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

- 14.** The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
- Kakuta (U.S. Pub. No. 2002/0156665) discloses a project cooperation supporting system.
  - Walker et al. (U.S. Pub. No. 2002/0046071) discloses a business innovation method and system.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS MANSFIELD whose telephone number is (571)270-1904. The examiner can normally be reached on Monday-Thursday 8:30 am-6 pm, alt. Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on 571-272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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8 October 2008  
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